

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
LYNCHBURG DIVISION

UNITED STATES OF AMERICA,

v.

JAMES BOWERS JOHNSON,

Defendant.

CASE NO. 6:12-cr-00015

ORDER

JUDGE NORMAN K. MOON

Defendant James Bowers Johnson (“Defendant”) is presently scheduled to appear before this Court on June 8, 2012, for a hearing on his competency to waive the counsel that were assigned to represent him following his arraignment before United States Magistrate Judge James G. Welsh. After reviewing the transcripts of the two proceedings in which Defendant appeared before Magistrate Judge Welsh, and in light of the *pro se* motion to dismiss that Defendant filed today, I find that there is more than “reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a). Accordingly, it is necessary to hold a hearing to determine Defendant’s mental competency. *Id.*

Finding it imprudent to conduct this overall competency hearing and the presently scheduled hearing on different days, the Clerk of the Court is hereby directed to schedule the overall competency hearing for June 8, 2012 as well. Further, the overall competency hearing shall take place first. The hearing on Defendant’s overall competency shall conform to the

requirements set forth in 18 U.S.C. § 4247(d), which provides, among other things, that Defendant shall be afforded an opportunity to testify. Counsel for Defendant and the United States shall prepare accordingly. The Clerk of the Court shall amend the Court's schedule to reflect the addition of an overall competency hearing, as well as the fact that it shall precede any hearing on Defendant's competency to waive his right to legal representation (to the extent one is necessary).

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this order to all counsel of record.

Entered this 25th day of May, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE